

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>CLEARONE COMMUNICATIONS, INC., a Utah corporation, Plaintiff, v. ANDREW CHIANG, an individual, JUN YANG, an individual, WIDEBAND SOLUTIONS, INC., a Massachusetts corporation, and BIAMP SYSTEMS CORPORATION, an Oregon corporation, Defendants.</p>	<p>MEMORANDUM DECISION and ORDER DENYING [546] MOTION TO RECONSIDER OCTOBER 5TH ORDER [504] Case No: 2:07-CV-37 TC District Judge Tena Campbell Magistrate Judge David Nuffer</p>
---	---

This matter was referred by United States District Judge Tena Campbell pursuant to 28 U.S.C. § 636 (b)(1)(A). Wideband Defendants' Motion for Reconsideration of the October 5th Order¹ is currently before the court. After careful consideration of the motion, memoranda and other materials submitted,² the court DENIES the Motion for Reconsideration.

WideBand Defendants claim that testimony elicited during the hearing before the District Judge on October 12, 2007 provides new evidence ClearOne's development efforts.³ Yet, this evidence still does not provide a basis “– other than speculation – to conclude that current

¹Docket no.546; October 5th Order is docket no. 504.

²ClearOne did not respond to the motion.

³Exhibit A, attached to Memorandum of Law in Support of Motion for Reconsideration of October 5th Order, docket no. 547.

ClearOne products or projects would involve the same technology that ClearOne claims WideBand illicitly uses.”⁴ While the district judge may, in the course of a very long hearing, have allowed brief inquiry into this area, the magistrate judge again concludes that “[t]he dangers of the proposed discovery far outweigh the speculative likelihood that ClearOne’s current technologies are related to the alleged misappropriation of trade secrets by the WideBand Defendants.”⁵

Accordingly, the Motion for Reconsideration⁶ is DENIED.

DATED this 5th day of November, 2007.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

⁴Memorandum Decision and Order at 5, docket no. 504.

⁵*Id.* at 5-6.

⁶Docket no. 546.